

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENDERSON-UNION RURAL ELECTRIC  
COOPERATIVE CORPORATION  
COMPLAINANT

VS.

KENTUCKY UTILITIES COMPANY  
DEFENDANT

CASE NO. 93-132

ORDER TO SATISFY OR ANSWER

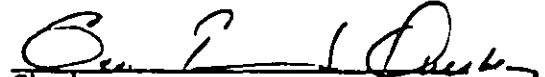
Kentucky Utilities Company ("KU") is hereby notified that it has been named as defendant in a formal complaint filed on April 6, 1993, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, KU is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

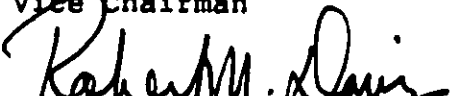
Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 13th day of April, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

HENDERSON-UNION RURAL ELECTRIC  
COOPERATIVE CORPORATION,

COMPLAINANT)

VS.

) CASE NO. 93-132

KENTUCKY UTILITIES COMPANY,

DEFENDANT)

C O M P L A I N T

The complaint of HENDERSON-UNION RURAL ELECTRIC  
COOPERATIVE CORPORATION respectfully shows:

(a) Henderson-Union Rural Electric Cooperative Corporation ("Henderson-Union") is a corporation duly created under KRS 279.010 et seq. Its mailing address is Post Office Box 18, Henderson, Kentucky 42420.

(b) Kentucky Utilities Company ("KU") is a Kentucky corporation with mailing address of One Quality Street, Lexington, Kentucky 40507. KU's resident agent for service of process at this address is Michael R. Whitley.

(c) Henderson-Union and KU are both retail electric suppliers as defined under KRS 278.010(4).

(d) Henderson-Union and KU have adjacent service territories in Union and Henderson Counties, Kentucky, certified

under KRS 278.017. The locations and facilities complained about herein are in the area shown on the "Waverly Map," a copy of which has been duly certified and is on file in the Commission's office.

(e) KU presently provides electric service to Peabody Coal Company ("Peabody") at its Camp One mine facility, which is located within the area shown on the Waverly Map. This service is provided to Peabody in the KU service territory.

(f) Based on information and belief, Henderson-Union alleges that KU and/or Peabody have adopted plans to extend this service into the Henderson-Union certified territory a distance of approximately three (3) miles in order to provide electric service to a new Peabody underground mine facility which will be located in the Henderson-Union certified territory.

(g) Henderson-Union was notified of the foregoing plan in the February 22, 1993, letter from K. E. Allen, Manager Electrical Eng. of Peabody, a copy of which is attached hereto and made a part hereof marked "Exhibit A."

(h) The aforementioned plans are in direct violation and contravention of the Kentucky certified territory law set forth in KRS 278.016 et seq, and other applicable law.

(i) Henderson-Union has the exclusive right to furnish electricity to this new facility to be established in its certified territory. An order should be entered granting Henderson-Union this service right and the defendant KU should be

enjoined from providing any electrical power whatsoever to Peabody that will be used to implement the aforementioned plan.

WHEREFORE, Henderson-Union requests:

1. That order be entered granting Henderson-Union the exclusive right to provide electric service to Peabody's new mine facility.

2. That KU be enjoined from furnishing electric service to Peabody that would in any manner be used in the implementation of this plan.

3. That Henderson-Union be afforded all proper relief.

DORSEY, SULLIVAN, KING, GRAY & NORMENT  
318 Second Street  
Henderson, Kentucky 42420  
(502) 826-3965  
Attorneys for Henderson-Union Rural  
Electric Cooperative Corporation

By

  
Frank N. King, Jr.

February 22, 1993

HENDERSON-UNION RECC.

Mr. John West  
Henderson Union Rural Electric Co-op Corp.  
6402 Old Corydon Road  
P.O. Box 18  
Henderson, Kentucky 42420-0018

Dear Sir:

Enclosed you will find two (2) maps, one showing the proposed location for the new Camp One facility that we are currently discussing, the other shows proposed future reserves for the Camp One Mine. These maps should be treated as confidential material and used only for the purposes that we have discussed.

As I told you in our phone conversation, our current plan is to take service for this new facility from Kentucky Utilities via an extension of our existing 69kv line that is feeding the facility that will be abandoned once the new facility is completed.

I realize that there is a difference of opinion regarding who should serve this load. I hope the information that I am providing will help to resolve the questions. Please let me know if you need further information.

Yours truly,

*K. E. Allen*

K. E. Allen  
Manager Electrical Eng.

/ms  
Enclosures

c: C. D. Carter  
J. L. Lautenschlager  
File

EXHIBIT A